

3.5 Cultural Resources

INTRODUCTION

The proposed action would take place in and around the Pit River in Canby, California (see Figure 1.1-2). The area was occupied by native people during historic and times.

PREHISTORIC RESOURCES OF THE REGION

Modoc County is rich in archaeological resources. The greatest diversity and density of archaeological sites occurs in the Devil's Garden area one mile north of the project area. The sites in that area represent seasonal activities of both the Modoc and Achumawi and their ancestors. Sites are most frequently found near water resources and on the edges of meadows and marshes. Winter villages and outlying specialized activity sites occur along and above the Pit River Valley and along the shores of Tule Lake.

Prehistoric archaeological sites and materials, such as petroglyphs, of the Native American Modoc, Achumawi, and Paiute of the area are essential to the interpretation of the Native American cultural heritage of the area. A number of archaeological studies have focused on parts of the Pit River and nearby areas. Twenty-four sites were located, of which five lie within the National Forest boundaries, along the Pit River Canyon and the lower stretches of tributary streams between Big Bend and Fender's Flat. Most of the sites appeared to be temporary campsites, although some sites with shell midden and house pits were noted, indicating longer periods of occupation. These sites are thought to be of the Achumawi (Mintier Harnish 1988a).

The project area lies within the ethnographic territory of the Astariwawi tribelet of the Achumawi or Pit River Indians. Several references discuss the culture and lifeways of the Achumawi (Dixon 1908, Kniffen 1928, Kroeber 1925, Merriam 1926, and Olmsted and Stewart 1978); the following information is excerpted from these sources (primarily the Stewart 1978). Achumawi translates to "river (literally "it flows") people." The Achumawi occupied lands extending from Mount Shasta on the northwest to Lassen Peak on the southwest, and from Goose Lake on the northeast to Eagle Lake on the southeast. Achumawi prehistory has been researched by Baumhoff and Olmsted (1964) who suggest that the Achumawi originally occupied the Pit River watershed 3,000 to 4,000 years ago.

The Astariwawi are one of nine Achumawi tribelets, each of which occupied a portion of the Pit River and its tributaries, as well as lands extending some distance away from the river. The nine tribelets functioned as self-governing units but were closely related through intermarriage. They shared a common language from the Palaihnihan branch of the Hokan family of languages, and although there were some dialectal differences, they were not different enough to prohibit communication.

Streams, lakes, meadows, and swamps were especially important to the Achumawi because they provided such a large proportion of their food and shelter. Prior to the construction of powerhouses on the Pit River, salmon and other anadromous fish traveled up the Pit River and its tributaries. In Achumawi territory, there were about 50 miles of salmon streams and 150 miles of streams from which bass, catfish, lamprey, pike, suckers, trout, and a number of species of minnows were taken. Crawfish and mussels were also eaten. Vegetal foods were an important part of the diet, and a wide variety of roots, seeds, berries, nuts, and herbs were gathered in season. Hunting appears to have been secondary to fishing and gathering, but numerous species were taken (Vaughn 2001).

HISTORIC

The earliest Euroamericans in northeastern California were fur traders and explorers for the Hudson's Bay Company from Fort Vancouver. John Charles Fremont visited the area in 1843 during an exploring expedition for the United States Government. In 1846 Lindsey and Jesse Applegate opened the South Emigrant Road between Tule Lake and Goose Lake. This became a popular road for immigrants traveling from Oregon to the gold fields in California, with the first wagon train entering California from the north via this route in 1848. The Emigrant Trail is now registered as State Historical Landmark No. 111, located about eight miles west of Canby near the Pit River, this historical landmark consists of visible remnants of the Lassen Trail, which was used extensively during the gold rush (www.rh2o.com).

The area was settled in 1869 by the Hess family followed by the Pope family in 1870. At that time it was called Warm Springs Valley, probably for the nearby hot springs. In 1874, the name was changed to Canby with the appointment of James Pope as the first postmaster. General E.R.S. Canby, for whom the town was named, was killed in 1873 during the Modoc Indian War at the Lava Beds.

Cattle and sheep ranching initially served as the primary economic base in Modoc County; agriculture gradually increased in importance. Cattle and sheep were competing for an increasingly limited amount of pasturage, as overgrazing and erosion left fewer and fewer acres for more and more animals. As the century progressed with constantly increasing demands on the relatively limited grassland, the federal government stepped in. In 1904, the Modoc Forest Reserve and the Warner Mountains Forest Reserve were made a part of the public lands scheme, and this ultimately became Modoc National Forest. It is the only National Forest in California created primarily for grazing rather than timber preservation needs.

In the middle 1930s the timber industry played an important factor in the growth of the town, and it became more than just "a wide spot in the road." At one time there were two mills operating, along with two logging camps, sixteen miles of rail logging, and a gandy dancer crew. The population grew to nearly 700 and there were over 100 students enrolled in the Arlington School. The lumber industry reached its peak in the 1940s, but the County continued to grow through the 1950s. The lumber industry has declined substantially, as has agriculture.

In 1966, the mill, then owned by Loveness Brothers, was destroyed by fire and Canby's heyday was over. Families moved away in search of employment. In 1969, I'SOT, Inc. (In Search of Truth) established a society of people organized exclusively for charitable, religious, and educational purposes within the meaning of section 501-c-3 of the Internal Revenue Code.

Project Surveys

Archaeological Reconnaissance. An archaeological reconnaissance was conducted along a linear corridor in the project area to assist in the environmental review and tribal consultation process. The research was used to prepare IS/MND for the Modoc County CEQA documentation for the project. In the initial linear survey of the proposed pipeline corridor, a prehistoric site was identified. In consultation with the I'SOT Project Coordinator, the line was moved west to avoid the site. This corridor was then surveyed, and no cultural resources were noted (Coyote & Fox 2001).

Michael Darcangelo of Far Western Anthropological Research Group, Inc. (FWARG) conducted a supplemental survey on October 14, 2002. The survey included areas not previously covered by Coyote & Fox in 2001. The areas surveyed were proposed locations for the food service/laundry building, mechanical building, and the pipeline route (1,300 ft.) along the levee road that had not been previously

surveyed. The levee road was surveyed because the discharge pipeline route was altered to avoid wetlands. No sites or isolated historic or prehistoric finds were discovered as a result of the current survey (Darcangelo 2002). The one site identified in the 2001 survey is located near a corridor segment that is no longer under consideration. Based on previous and current survey efforts, no further archaeological investigation is recommended for the project.

NATIVE AMERICAN CONCERNS AND TRADITIONAL CULTURAL VALUES

Native American Use of the Area

Modoc County was originally settled by three distinct groups of Native Americans: the Modocs in the Tulelake area, the Pit River Indians in the Warm Springs, South Fork, Alturas and Big Valley areas, and the Paiutes in Surprise Valley. Numerous permanent settlements existed throughout the area. There were also nomadic tribes throughout the region, principally the Paiutes. Figure 3.5-1 indicates the generalized location of tribal areas and settlements. The map indicates that in the general project vicinity three of the seven Pit River Indian village sites were located in the area west of Canby.

The Modocs and the Pits were basically sedentary tribes living in permanent villages. The name Modoc had its derivation from the original Indian name of the Modocs, which was Moatakni Maklaks. The Paiutes were semi-nomadic hunters and gatherers who traveled throughout Surprise Valley, northern Nevada and parts of California and Oregon.

The project area lies within the territory ethnographically ascribed to the Astariwa group of the Pit River Indians (Kniffen 1928). The name Astariwa means "hot spring" and refers specifically to the hot spring (Kelley Hot Spring) located about four miles east of Canby. The Astariwa occupied the area along the Pit River eight miles west of Alturas, to the crest of the mountains east of Big Valley.

Native American Consultation for the Proposed Project

Federal Consultations. The DOE is currently conducting its tribal consultations regarding the proposed project. Communications with tribal groups are presented in Table 3.5-1.

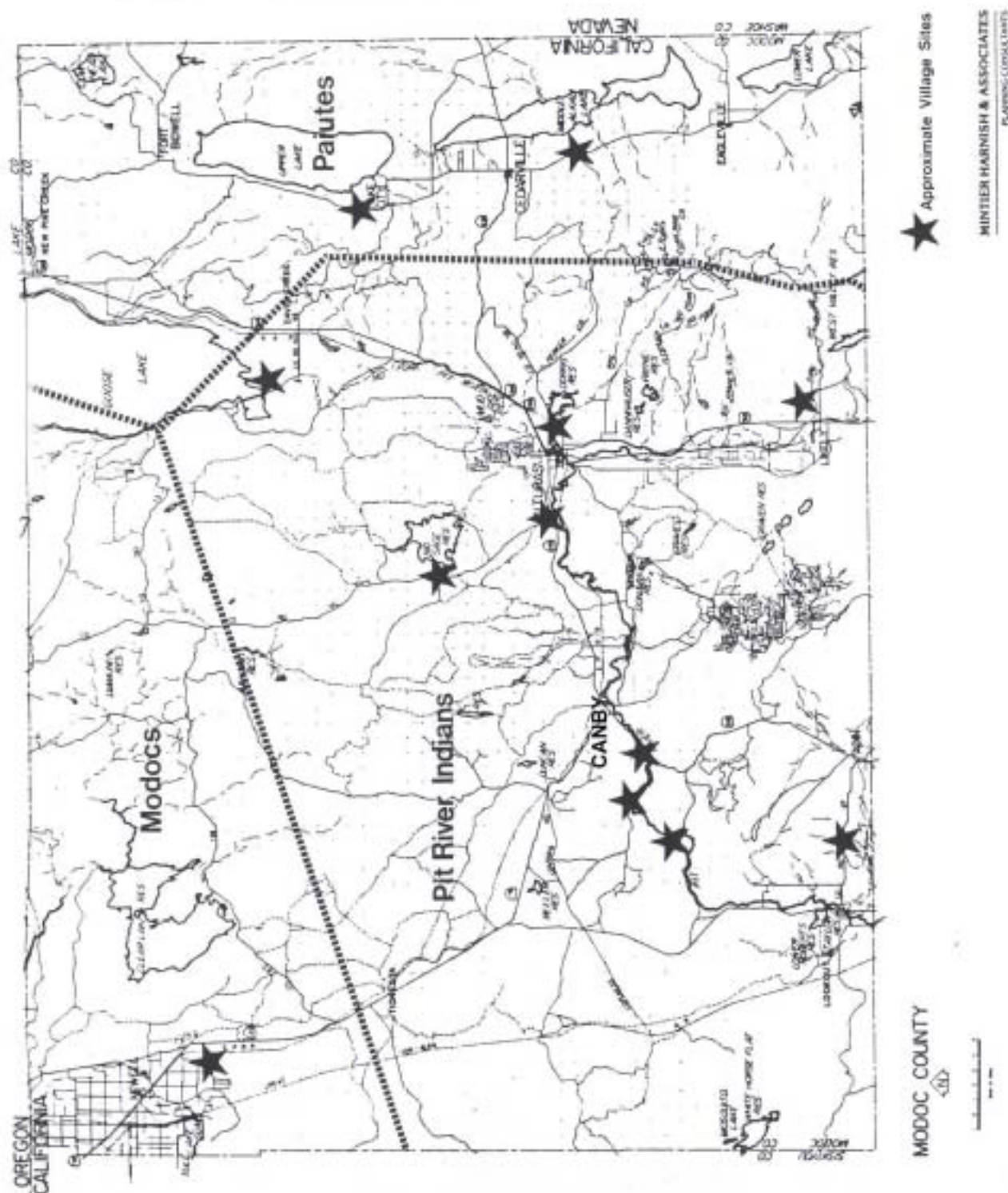
Table 3.5-1: DOE Tribal Consultations

Date	Contact
9/6/02	DOE sent scoping letter to Pit River Tribal Nation Chairman Gene Preston via mail and fax, as well as to other Pit River Tribal Band members.
9/10/02	DOE staff met with Pit River Tribal Band members at the I'SOT Canby Family Practice Center to give an overview of the project.
10/1/02	MHA sent letter to Native American Heritage Commission (NAHC) on behalf of the DOE to search for sacred sites in the project area.
10/21/02	DOE sent letter to tribal members listed by (NAHC) to request any known sacred sites or other information regarding the project area.

SOURCE: MHA 2002

3: AFFECTED ENVIRONMENT

Figure 3.5-1: Tribal Areas & Settlements



SOURCE: Mintier Harnish 1988a

On October 1, 2002 a letter was sent by MHA on behalf of the DOE to the Native American Heritage Commission (NAHC) requesting a sacred sites record search in the vicinity of the proposed project. Debbie Pilas-Treadway responded noting that the search failed to indicate the presence of Native American cultural resources in the immediate project area. Ms. Treadway enclosed a list of tribal members to contact for further information. MHA followed up on the NAHC contact letter sent by DOE with phone calls on November 12, 2002 to the identified tribe members. Michelle Berditshevsky at the Pit River Tribe Environmental office noted that the water resources specialist had some concerns with the effluent discharge. Further comments from tribal members on this issue are expected to be submitted in response to the Draft EA.

I'SOT Consultations. On September 10, 2002 I'SOT representatives met with the Pit River Tribes' tribal representative in their Family Practice Center in Canby, California to discuss the project components. Patricia Preston of the Astariwawi Band requested that a tribal monitor be present during pipeline construction. It was agreed that the tribal representative would monitor pipeline construction. Sharon Elmore, the Ajumawi Cultural Representative requested a second meeting to discuss the project further with additional tribal members. The second meeting will be conducted after the Draft EA is published.

REGULATORY FRAMEWORK

Federal

Several laws and Executive Orders address the issue of consultation with local Native American groups and cultural resources regarding the proposed project that may affect traditional religious practices or cultural resources, including:

- National Historic Preservation Act of 1996, as amended and 36 CFR 800
- Native American Graves Protection and Repatriation Act of 1990
- *Traditional Cultural Properties*, National Register (U.S. Department of the Interior) Bulletin 38
- American Indian Religious Freedom Act of 1978
- Archaeological and Historic Preservation Act of 1974
- Archaeological Resources Protection Act of 1979
- Executive Order 13175, November 6, 2000, Consultation and Coordination with Indian Tribal Governments and Statement by the President
- Executive Order 13007, May 24, 1996, Protection of Sacred Sites
- Executive Order 12898, February 11, 1994, Environmental Justice
- Executive Order 11593, May 13, 1971, Protection and Enhancement of the Cultural Environment
- Secretarial Order 3206, June 5, 1997, American Indian Tribal Rights, Federal-Tribal Trust Responsibilities
- National Environmental Policy Act of 1969
- 10 Code of Federal Regulations 1021.301, August 16, 1994, DOE Environmental Assessment Checklist Guidelines

State

Modoc County General Plan. The Modoc County General Plan Background Report states that various portions of the California State Code are relevant to the protection of archaeological resources. Due to the rich cultural and historic history of the project area, the General Plan notes that the enhancement and promotion of these valuable and extensive resources presents an important opportunity to develop policies and procedures for their protection. In addition, public agencies should seek to avoid damaging effects on archaeological resources wherever feasible.

The Modoc County General Plan Goal, Policies, and Action Program includes the following goals and policies pertinent to cultural resources:

GOAL: To preserve, protect, and enhance the valuable natural, cultural, and historical resources of the county.

POLICY: Historic Development 1. Develop a program to preserve and enhance historic and cultural building and places of significance.

POLICY: Archaeological 1. Minimize the loss of archaeological resources through the development review and approval process.

ACTION PROGRAM 7: Include consideration of archaeological history and cultural resources impacts in the review of any development proposal.

3.6 Land Use, Agriculture, and Recreation

EXISTING LAND USES

The proposed project area is located in the rural town of Canby, Modoc County, California. Modoc County could be called the “land unknown to most Californians” (Shasta Cascade 2002). Modoc County is located in the extreme northeast corner of California, is bounded on the north by the State of Oregon, on the east by the State of Nevada, on the south by Plumas County, and on the west by Siskiyou County. It is rectangular in shape, measures nearly 100 miles east and west, by nearly 60 miles north and south, and contains 2,750,000 acres. It was originally a portion of Siskiyou County, but was formed into a separate county by an Act of the Legislature of 1874. The county name originated from the celebrated Indian tribe whose resistance to the progress of the whites in their settlement resulted in the Modoc War in the northwestern part of the county and the adjoining part of Oregon.

Land Use

Modoc County is dominated by federal land ownership, with 61% of the land managed by the US Forest Service and Bureau of Land Management (BLM). Of the remaining 39%, 7% is in Timber Preserve Zones and cannot be used for other than timber production. Another 6% of the land in the County is used for intensive (irrigated) agricultural purposes (Mintier Harnish 1988a). The principal economic resources of the County are its forests, agricultural lands and recreation-tourism.

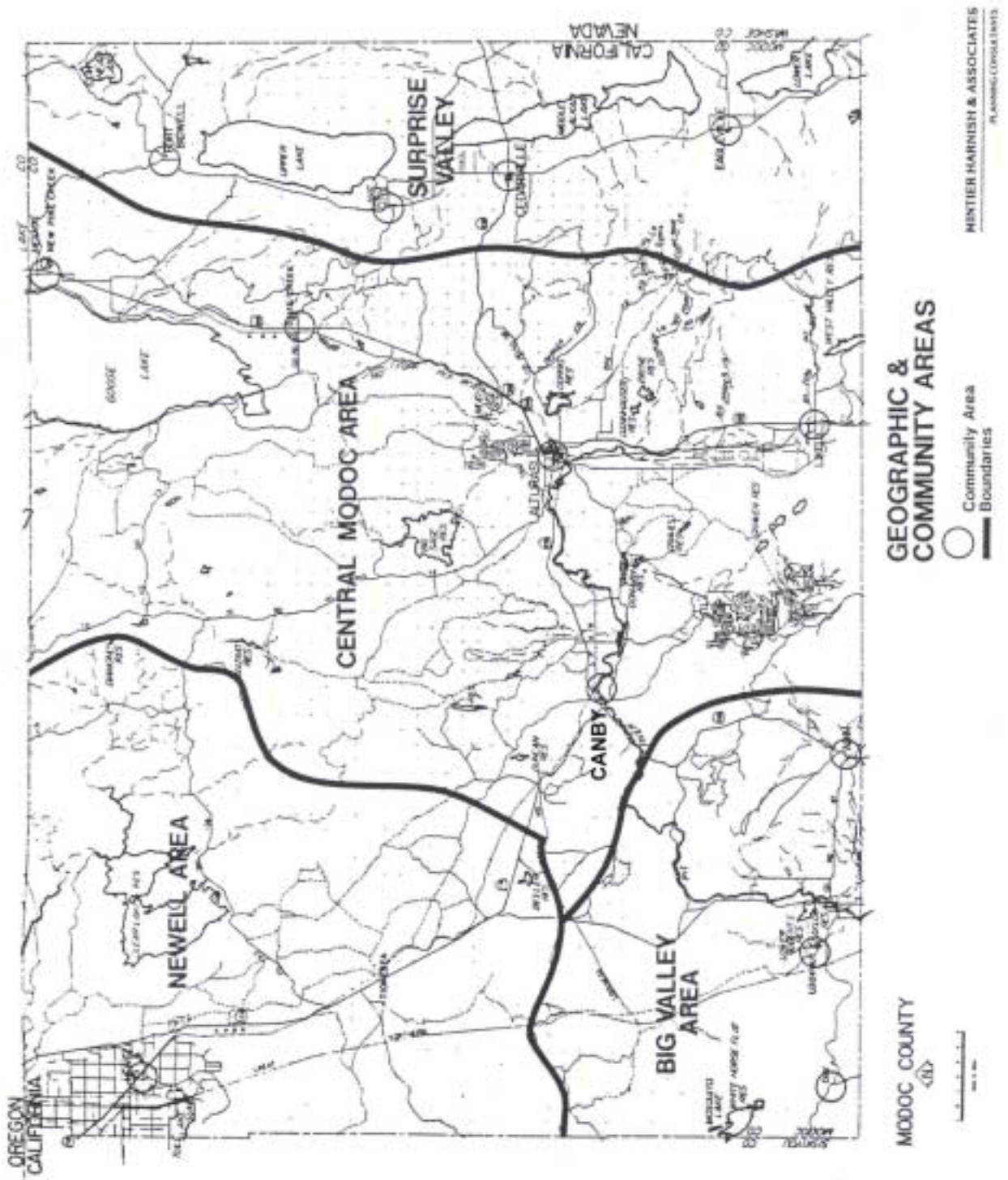
The Modoc County General Plan divides the county into four geographic areas: Newel, Big Valley, Central Modoc and Surprise Valley. Canby is located in the Central Modoc community area (Figure 3.6-1). The Central Modoc area is bounded by the County lines north and south, the crest of the Warner Mountains to the east and the geographic barrier posed by the Modoc National Forest to the west.

In 1988 the town of Canby consisted of 26 acres of residential land use and 160 acres of vacant land out of a total of 201.8 acres. A considerable number of acres of land in Canby are now owned by the I'SOT community. Currently, land designated as vacant land in the Modoc County General Plan within the project area is a mix of dry grazing land and wetlands (Figure 3.6-2a), while the remainder of the I'SOT community is designated residential. Figure 3.6-2b shows an updated land use map of the same general area. When there are lands that are “Unclassified”, such as Vacant Lands, these lands revert back to the General Plan map. Those lands that are not officially designated as Agriculture Exclusive, Publicly Owned Lands, Timber Protection Area, Rural Residential or Urban Areas are considered to be Agriculture General (Alvord 2002).

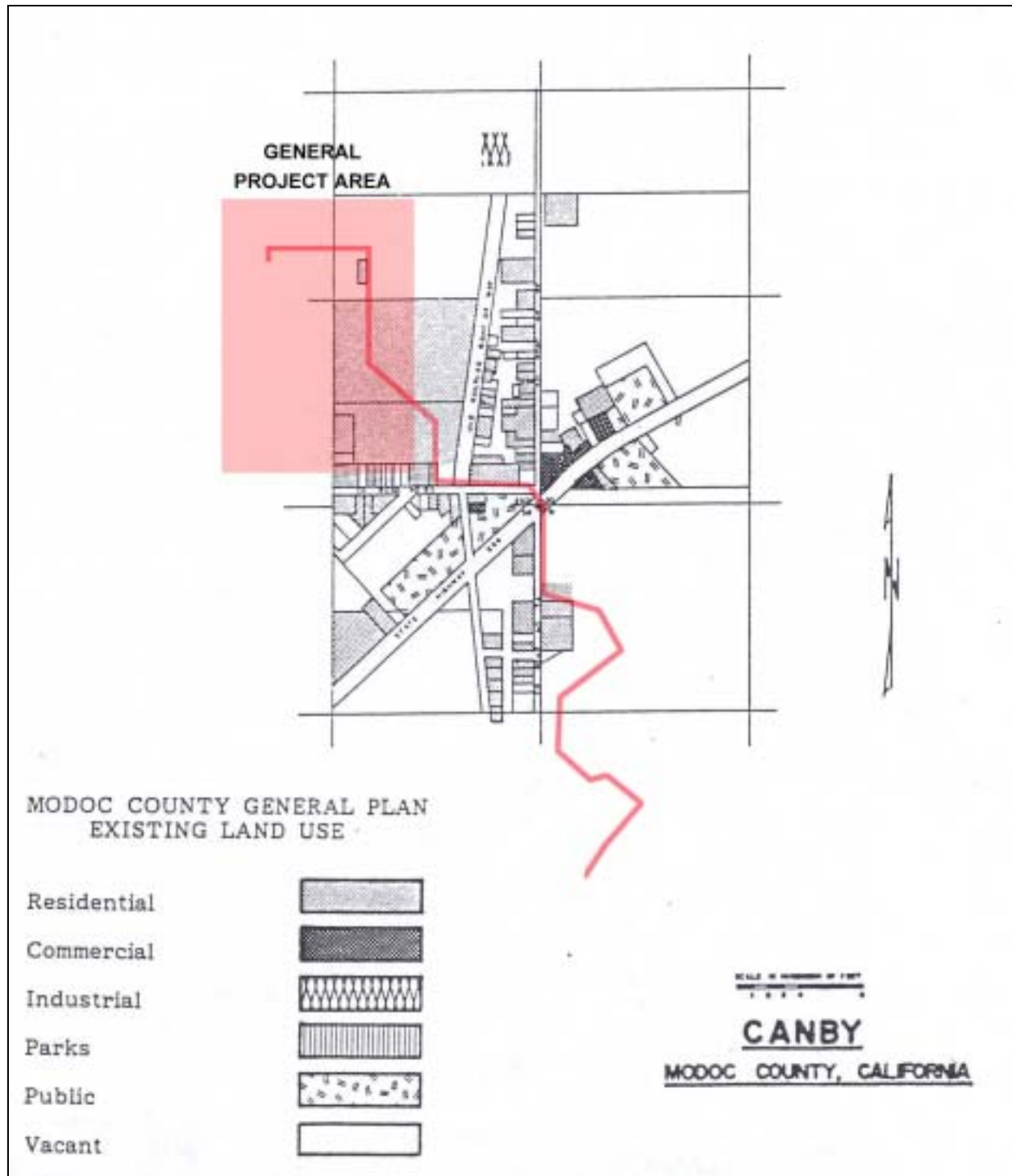
Agriculture

Alfalfa hay is Modoc County's major agricultural industry. In 2000, the county ranked 42nd in agricultural production in the state, with a total gross production value of \$68.8 million. Crop sales accounted for 64 percent of the market value, while livestock sales accounted for 36 percent of the market value. The top five crops in Modoc County, by value, included: alfalfa hay, timber, cattle & calves, potatoes, and pasture & range (Modoc County Farm Bureau 2002). The most recent Census of Agriculture showed an increase of 2 percent in the average size of farms in Modoc County, with a decrease of 3 percent in the amount of land in farms (USDA 1997).

Figure 3.6-1: Geographic and Community Areas

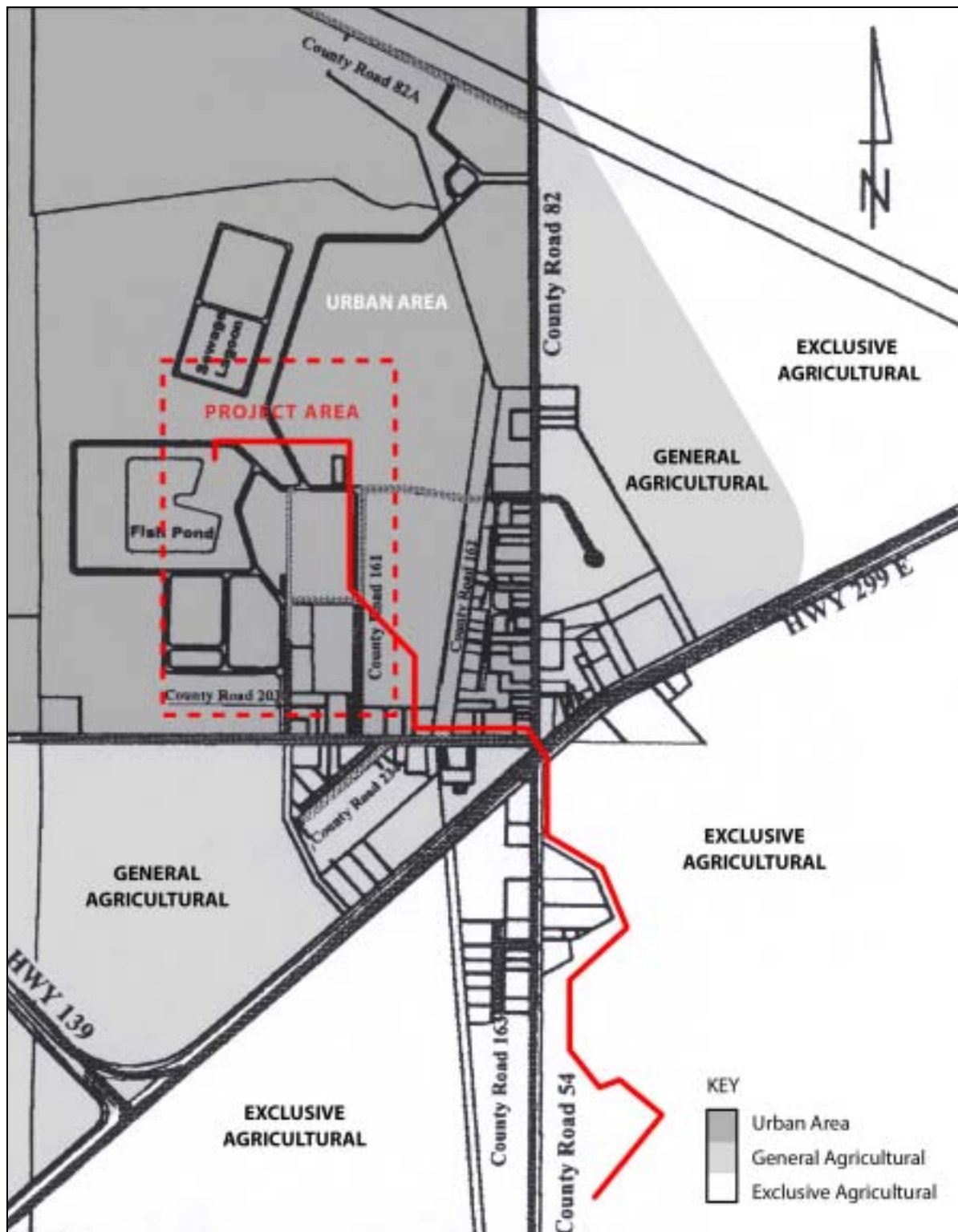


SOURCE: Modoc County General Plan 1988

Figure 3.6-2a: Modoc County General Plan Land Use 1988

SOURCE: Modoc County General Plan 1988

Figure 3.6-2b: Modoc County General Plan Existing Land Use 2002



SOURCE: Modoc County Planning and MHA 2002

In central Modoc County the livestock industry is the most important facet of agricultural production. Nearly all farm operations use public lands to graze their cattle. The Alturas-Canby area had more acreage under production for each crop than either of the other areas in 1982. The main agricultural land uses in the Canby project area are a combination of irrigated cropland, dry cropland, and grazed land (irrigated and non-irrigated).

Important Farmlands. In 1984, The California Department of Conservation (DOC), Division of Land Resource Protection, prepared Advisory Guidelines and preliminary maps for the Farmland Mapping and Monitoring program. The Guidelines identified five categories of farmlands: prime farmlands, farmlands of statewide importance, unique farmlands, farmlands of local importance and grazing lands. The designations by the DOC correspond to the Important Farmlands map in the Modoc County General Plan. The Canby project area has a mix of farmlands of local importance and farmlands of statewide importance (Figure 3.6-3). There are no prime farmlands within the footprint of the project.

Soils. There are six high quality agricultural soils in the Alturas area. These soils were defined by Storie Index ratings of greater than 60¹. Three types of soils are found in the Canby project area (USDA 1980).

- Pit River silty clay at the river discharge point
- Daphnedale loam in the distribution line and mechanical building area
- Barnard gravelly loam in the remaining project area

These three soil types do not fall into any of the six identified agricultural soil categories and all have a Storie Index of 24 or below. These soil mapping units meet the criteria for the category of Farmland of Statewide Importance as outlined in the U.S. Department of Agriculture's land inventory and monitoring (LIM) project for the Alturas area soil survey (USDA 1995). The Pit silty clay loam is a unit of statewide importance if protected from flooding. The project would be constructed on the levee road, not in the protected area.

Recreation

Recreation opportunities abound in Modoc County, with warm dry summers providing camping, hiking, fishing, water sports and many other outdoor activities. Winters allow cross-country and downhill skiing, ice-skating and typical winter outings. Nine hole golf courses are located in Alturas and Likely, Cedar Pass ski hill is between Alturas and Cedarville. The Warner Mountain wilderness is 18 miles long by 8 miles wide with 77 miles of trails suited for hikers and horseback riders. Trail elevations range from 7,000 to 9,000 feet. Visitors can still see turn-of-the-century towns, ranches, and farmlands.

The Modoc National Forest boundary lies approximately 5 miles south of the town of Canby. Forest Service recreational facilities provide camping for family vacationers, as well as hunters and outdoorsmen looking for facilities to use during the hunting season. The Modoc National Forest and Bureau of Land Management have many improved campgrounds with nearly 300 family camping sites available in the county. The proposed action does not lie within the forest boundary or within BLM lands.

¹ The Storie Index is a rating system, which expresses numerically the relative degree of suitability of a soil for general intensive agriculture.



REGULATORY SETTING

Federal

Farmlands Protection Policy Act of 1981. The Farmlands Protection Policy Act (FPPA) states that Federal programs which contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses will be minimized (USGS website 2002). Pertinent regulations include 516 DM 2 Appendix 2(2.2), Department of Interior and Environmental Statement Memorandum No. ESM94-7, which states the following:

- Environmental assessments must be prepared for actions which may adversely affect such unique geographic characteristics as prime farmlands
- ESM94-7 adopts as a supplement to the department's NEPA procedures the Council on Environmental Quality (CEQ) memorandum of August 11, 1980, "Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act."

State

Modoc County General Plan and Zoning Ordinance. The Modoc County General Plan Background Report states that protection of agricultural land is a major issue to be addressed during the revision of the General Plan. The General Plan should also develop programs and procedures, which include the appropriate agricultural agencies and officials within the County, and are designed to avoid the following:

1. Development projects which conflict with agricultural land uses,
2. Land divisions, which could lead to the creation of uneconomical land units.

The Modoc County General Plan Goals, Policies, and Action Programs report includes the following goals, policies, and actions that pertain to land use, agriculture, and recreation:

GOAL: To provide for a full range of residential land uses and housing opportunities while protecting the valuable environment and community assets of the county.

GOAL: Protect and support the agricultural economy of Modoc County.

POLICY 1: Preserve and protect valuable agricultural lands in the county.

POLICY 3: Support compatible, mixed, or alternative uses of agricultural land, including hunting and fishing clubs, and recreational ranches.

POLICY 4: Permit limited expansion of unincorporated communities in agricultural areas.

POLICY 7: Coordinate the review of any development proposals on production of agricultural land with all concerned public agencies.

POLICY 11: Consider initiating the Williamson Agricultural Land Conservation Act program in Modoc County.

ACTION PROGRAM 2: For all other agricultural lands, a minimum parcel size of 3 acres should be established under the designation general agriculture, except as otherwise permitted. When development is proposed on lands in the general agriculture category, the value of those lands for present and potential agricultural uses, such as irrigated pasture or cropland, dryland farming,

or other agricultural uses, will be considered. Soils, water availability, and the agricultural stability and future of the surrounding area are all factors that impact the value of these lands.

ACTION PROGRAM 6: The County will assist the agricultural community in identifying and promoting compatible economic ventures such as hunting clubs and dude ranches, which supplement farm income and do not take valuable agricultural land out of production. Local economic development groups should explore the feasibility of such activities as private hunting clubs, “dude” ranches, and geothermal-based recreational activities. The County should support such efforts through zoning and development permit approvals.

The land use designations set forth in the General Plan are implemented through the Zoning Ordinance, such that the various zones reflect the range of parcel sizes and uses for each general plan designation. The Modoc County Zoning Ordinance classifies all privately (and publicly) owned land into one of 15 basic zoning classifications. The project area that is south of Highway 299 is zoned as Agriculture-Exclusive (AE). The project area north of Highway 299 is zoned as Residential-Rural (RR-5). The purpose of the AE zone is to designate areas appropriate for general agriculture. The purpose of the RR-5 zone is to permit development while maintaining a rural character, and to reduce residential development impacts on the environment (Mintier Harnish 1988b).